

LOVE & KIRSCHENBAUM
A LIMITED LIABILITY LAW COMPANY

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Menu Foods Holdings, Inc., and Menu
Foods Income Fund

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF HAWAII

VALERIE SYLVESTER; DAVID)	CIVIL NO. CV 07-00409 ACK-KSC
PANG; ANDREW GARCIA;)	(Non-Vehicle Tort)
RUTH CAMARGO; CHRIS)	
HUBBARD; STACEY COLLINS;)	DEFENDANT MENU FOODS
RANDALL BANDMANN; KELLY)	INCOME FUND'S EX PARTE
ENGLE; PAM GOULD; and)	APPLICATION FOR EXTENSION
ERIK CORAL-SANDS,)	OF TIME TO ANSWER OR
)	OTHERWISE RESPOND TO
Plaintiffs,)	PLAINTIFFS' FIRST AMENDED
)	COMPLAINT, FILED 06/22/07;
vs.)	DECLARATION OF CHAD P.
)	LOVE; ORDER GRANTING
MENU FOODS, INC., a New Jersey)	DEFENDANT MENU FOODS
corporation; MENU FOODS)	INCOME FUND'S EX PARTE
HOLDINGS, INC., a Delaware)	APPLICATION FOR EXTENSION
corporation; MENU FOODS)	OF TIME TO ANSWER OR OTHER-
INCOME FUND, an unincorporated)	WISE RESPOND TO PLAINTIFFS'
Canadian business; DOE ENTITIES)	FIRST AMENDED COMPLAINT,
and INDIVIDUALS 1-100,)	FILED 06/22/07; CERTIFICATE OF
)	SERVICE
Defendants.)	
_____)	

**DEFENDANT MENU FOODS INCOME FUND'S EX PARTE
APPLICATION FOR EXTENSION OF TIME TO ANSWER
OR OTHERWISE RESPOND TO PLAINTIFFS' FIRST
AMENDED COMPLAINT, FILED 06/22/07**

Defendant Menu Foods Income Fund, ("Income Fund") hereby applies, *ex parte*, for an extension of time to answer or otherwise respond to Plaintiffs' First Amended Complaint, filed on June 22, 2007. Defendants Menu Foods Holdings, Inc., and Menu Foods, Inc., filed a "Motion to Stay All Proceedings" ("Motion to Stay") on August 2, 2007.

The reason for this application for an extension and for the "Motion to Stay" is because currently there are over 100 pet food cases filed nationwide. These cases are in the process of being transferred to a Federal Court in New Jersey for resolution under Multi District Litigation procedures.

Income Fund requests that it be given a thirty (30) day extension in which to file its Answer or otherwise respond to Plaintiffs' First Amended Complaint, filed herein on June 22, 2007.

This Application is based on Local Rules 6.2, 7.1, and 7.2 of the Rules of the United States District Court for the District of Hawaii, Rules 6

and 7 of the Federal Rules of Civil Procedure, the Declaration attached hereto, and the records and files herein.

DATED: Honolulu, Hawaii, August 3, 2007.

/s/ Chad P. Love

CHAD P. LOVE

BARBARA J. KIRSCHENBAUM

Attorneys for Defendants Menu Foods Inc.,
Menu Foods Holdings, Inc., and Menu
Foods Income Fund